United Nations

A/58/343/Add.1

General Assembly

Distr.: General
18 November 2003

Original: English

Fifty-eighth session
Agenda item 129
Joint Inspection Unit

Report of the Joint Inspection Unit on the in-depth review of its statute and working methods

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit on the in-depth review of its statute and working methods.

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03-62361 (E) 261103

I. Introduction

1. As indicated in its preliminary review of its statute and working methods (A/58/343), the Joint Inspection Unit came to the conclusion that if it was to fulfil its mandate and meet the needs of the participating organizations more effectively, improvements must be made in its functioning and changes enacted, some of which might require the amendment of its statute. The Unit therefore proceeded to identify a number of weaknesses and issues that prevented the effective discharge of its functions.

2. In its preliminary review, the Unit also indicated that a more detailed report would be prepared that would take into account the views expressed by Member States during the fifty-eighth session of the General Assembly as well as by the secretariats of its participating organizations. Accordingly, the Joint Inspection Unit hereby presents to the Assembly for its consideration an in-depth analysis of the issues previously identified as the most problematic and possible ways to overcome the problems, with a view to improving the quality and impact of the Unit's activities. These are listed in the order of the relevant chapters of the statute. The Unit has duly taken into account the views expressed in the context of both formal and informal meetings of the Fifth Committee during the current session of the General Assembly as well as the written comments of executive heads and those expressed in the course of informal consultations with key agency officials. For ease of reference, suggested action by the General Assembly appears in boldface type.

3. The Unit wishes to remind the General Assembly of the system-wide nature of its activities and, consequently, the need to seek the views of the participating organizations and of the United Nations System Chief Executives Board for Coordination (CEB) in respect of any reforms. Article 21 of the statute provides that the statute may be amended by the General Assembly, and that amendments shall be subject to the same acceptance procedures as the statute.

II. Composition and appointment

(Chapter II of the statute)

A. Selection of Inspectors

4. The process of selecting the Inspectors has long been an issue of concern for both Member States and the Unit, as reflected in a number of General Assembly resolutions[1] and in the Unit's annual reports. Thus, in its annual report for the period 1 July 1994 to 30 June 1995, the Unit itself stated that its overall performance and impact could be further enhanced if, among other things, the individual Member States that proposed candidates and the General Assembly took the necessary action to ensure that the Inspectors selected met the qualifications stipulated in article 2 of the statute.[2]

5. Article 2, paragraph 1, of the statute states that the Inspectors shall be chosen from among members of national supervision or inspection bodies, or from among persons of a similar competence on the basis of their special experience in national or international administrative and financial matters, including management questions. Comments received by the Unit from executive heads of participating

organizations on its preliminary review indicate that they see the present process of selecting Inspectors as an eminently political one, in which specialized agencies have a rather perfunctory role.

6. It must be recognized that, in the political context of appointments made by the General Assembly, the complex process foreseen in the statute, whereby the President of the Assembly has the overall central responsibility for evaluating candidates for the Joint Inspection Unit, in consultation with the President of the Economic and Social Council and the Secretary-General in his capacity as Chairman of CEB, cannot always guarantee the prevalence of technical over political considerations. Once a regional group has agreed on the country that is to be requested to propose candidates, who are supposed to meet the established qualifications, there is no real possibility for any of the participants in the process to question the credentials of the proposed candidates. By the same token, where there is no agreement within a regional group on the country to be selected, the Assembly has to resort to a vote, the results of which might be more dependent on the support candidate countries can muster rather than on the qualifications of their potential nominees for the post of Inspector.

7. As early as 1984, the Unit suggested the adoption of a job description for Inspectors, intended to assist Member States in selecting candidates. The proposal, although it has not been formally adopted, is still valid, it being agreed that a major problem in the appointment of new Inspectors remains that countries selected to present candidates receive little guidance in assessing their qualifications beyond that provided in article 2 of the statute.

8. The Unit continues to believe, therefore, that there is a need for the General Assembly to approve a job description for Inspectors and to establish the list of qualifications that are required for the discharge of their functions. Such job description would be intended in the first instance for use by the selected country in its search for qualified candidates among its nationals. It would then serve as a yardstick against which to measure the qualifications of the proposed candidates for use by the President of the General Assembly, the President of the Economic and Social Council and the Chairman of CEB, as provided in article 3, paragraph 2, of the statute. Finally, it may be of use to the General Assembly when it appoints candidates.

9. As a means of assisting the President of the General Assembly in the task of selecting the countries to be requested to provide candidates and evaluating them, the Member States of the relevant regions should be encouraged to submit candidates when an Inspector post becomes vacant. An Advisory Candidate Review Panel could be established, composed of a representative of the President of the Economic and Social Council and a representative of the Chairman of CEB, and such other individuals as the President of the General Assembly might consider appropriate. The Panel would review the candidates using the agreed job description as a guide, conduct interviews with the candidates when it considered it necessary and make concrete recommendations to the President of the General Assembly. Only then would the President exercise his or her authority to submit the name or names of candidates to the General Assembly for appointment.

Proposed action 1

10. **The General Assembly may wish to consider formally adopting a job description and a list of desirable qualifications for members of the Unit.**

Proposed action 2

11. **The General Assembly may wish to endorse new procedures for the establishment of an Advisory Candidate Review Panel, as described in paragraph 9 above, to assist the President of the General Assembly in the performance of the duties assigned under article 3 of the statute.**

B. Ratio of Inspectors to research staff

12. The Unit's preliminary review also indicated that the current ratio of Inspectors to research staff hampered the provision of effective assistance, a situation that should be corrected, and that this could be achieved through various means, including a reduction in the number of Inspectors and/or an increase in the number of staff provided to assist them.

13. In their comments, some executive heads of participating organizations expressed their agreement with the concern expressed about the deficit in the research staff and suggested that the ratio of Inspectors to research staff should be improved by reducing the number of Inspectors. Several have made it clear, however, that, given the current budgetary climate, it was unlikely that Member States would consider it opportune to accept any net increases in resources.

Proposed action 3

14. **The General Assembly may wish to review the appropriate ratio of Inspectors to research staff.**

15. As indicated in the preliminary review, any change in respect of the number of Inspectors should be decided upon while keeping in mind the principle of equitable geographical distribution and reasonable rotation. It may also be useful to reconsider the Inspectors' term of office with a view to accelerating rotation and facilitating the renewal and updating of the expertise of the Unit.

III. Functions, powers and responsibilities

(Chapter III of the statute)

16. In its preliminary review, the Unit stressed the need to reflect anew on its very purpose and to define more precisely its strategic positioning. It also noted that the balance to be achieved between evaluations, inspections and investigations must be examined carefully. In a draft strategic framework annexed to the review, a new mission statement was proposed for the Unit (A/58/343, annex).

17. Many comments received from executive heads on the preliminary review or expressed during informal consultations with their representatives indeed focused on this mission statement. They stressed the need to review article 5 of the statute in order to clarify the Unit's functions, avoid any possible duplication with other

oversight bodies and highlight its comparative advantages as the sole system-wide external oversight body, thus allowing it to benefit from its huge accumulated experience with agency operations and its strategic perspective unhampered by operational myopia. The role of the Unit in cross-fertilization among organizations of the United Nations system was also stressed.

18. Over the years, most of the Unit's efforts have focused providing an independent view through inspection and evaluation aimed at improving management and methods and at achieving greater coordination between organizations, in accordance with article 5, paragraph 2, of the statute. The Unit has less frequently undertaken activities linked to paragraph 3 of the same article, according to which the Unit shall satisfy itself that the activities undertaken by the organizations are carried out in the most economical manner and that the optimum use is made of resources available for carrying out those activities.

19. However, and given the gradual shift of most of its participating organizations to results-based budgeting and programming, the Unit is convinced that one of its main goals should in fact be to provide Member States with reasonable assurance that activities are undertaken in a cost-effective manner and in accordance with set objectives. For this purpose, it should give more emphasis to the conduct of investigations already authorized by the statute.

20. The term "investigation" should not be construed here as an inquiry into reports of alleged violations of rules, regulations and other established procedures, or of mismanagement, misconduct, fraud, waste of resources or abuse of authority by individuals or groups of individuals. Rather, it should be understood as an examination by the Unit of situations, occurrences or processes in which there is evidence of lack of efficiency, low productivity, waste of resources or opportunities for improvement. Naturally, should cases of violations of rules and regulations by individuals come to the attention of the Unit during its examination of programmes and processes, it would refer the issue to the pertinent investigative body.

21. On the other hand, the Unit also believes that its role should increasingly be seen by the secretariats of participating organizations as one akin to management consulting. In the strategic framework outlined in its preliminary review, the Unit observed that it would produce reports only when they contained any recommendation requiring legislative action and that the Unit intended to make more use of notes, which could take the form of management letters, thus reducing the workload of legislative organs, an intention that has been welcomed by many executive heads (ibid., sect. II, para. 1 (c)). Comments on the preliminary review stressed the advantage for the Unit of using a consulting style based on a problem-solving approach and that full participation of the client ensured ownership of the problem and the solution as well as the building of an internal problem-solving capacity within the client organization. It was also pointed out that the role of the Joint Inspection Unit should be that of a proactive partner, similar to that of a management consultant, who would help the organizations become more effective and strengthen the United Nations common system as a whole.

22. The Unit fully concurs with this vision and has frequently encountered situations in recent years in which discussions undertaken with secretariats in the course of preparing reports have led to a shared understanding of issues, with the result that the recommendations were sometimes implemented before the reports reached legislative organs. The Inspectors hope that through strengthened

cooperation and enhanced dialogue, a sense of mutually beneficial partnership will emerge and that the secretariats of participating organizations will view the Unit as a beneficial change agent and a helper in their reform efforts.

Proposed action 4

23. **The General Assembly may wish to review article 5 of the statute to assess whether it still reflects the functions and mandate of the Unit accurately and to concur with the Unit's strategic framework outlined in the annex to the preliminary review.**

IV. Mode of operation

(Chapter IV of the statute)

A. Preparation of the programme of work

24. In its preliminary review, the Unit described in detail efforts that it has undertaken and intends to pursue to ensure that the subjects of its reports are selected in a logical and cohesive manner, in particular through the development of the strategic framework mentioned above. Comments received from participating organizations show that they all welcome the adoption of this strategic guide to assist the Unit in identifying proactively and systematically priority issues and areas at risk, provided that this guide itself is drafted and adopted in a transparent and participatory manner.

B. Collective wisdom

25. Chapters III and IV of the statute, referring to the functions, powers and responsibilities of the Inspectors and of the Unit as well as to the mode of operation, contain references to "the Inspectors" and to "the Unit", some of which are clearly intended to describe the functions and responsibilities of individuals (article 5, paras. 1, 2 and 5; articles 6 and 7; and article 11, para. 2), while some are manifestly intended to describe functions of the Unit as a group (article 5, paras. 3 and 4; articles 8 to 10; and article 11, paras. 1 and 3).

26. In article 11, paragraph 2, however, the statute provides that

> "The Inspectors shall draw up, over their own signature, reports for which they are responsible and in which they shall state their findings and propose solutions to the problems they have noted. The reports shall be finalized after consultations among the Inspectors so as to test recommendations being made against the collective wisdom of the Unit."

Over the years, the dual notion of individual and collective responsibility for the reports conveyed by this wording has led to varying interpretations as to the manner in which the Unit's "collective wisdom" can be put into effect.

27. The General Assembly has addressed this issue and, in its resolution 56/245 of 24 December 2001, stressed that compliance with the provisions of paragraph 4 of the system of follow-up to the reports of the Unit[3] was a responsibility of the Unit as

a whole, and requested the Unit to exercise fully its collective wisdom in accordance with article 11, paragraph 2, of its statute. Furthermore, in the same resolution, the General Assembly requested the Chairman of the Unit, in accordance with article 18 of the statute, to ensure compliance by the Unit with the provisions of its statute as well as the internal standards, guidelines and procedures as approved by the Unit.

28. Nevertheless, it is still unclear the extent to which collective wisdom can be followed, and whether, in particular, formal clearance by the Unit as a whole is required for the issuance of reports or whether the provision made in the Unit's standards and guidelines[4] for the expression of dissenting views is sufficient.

Proposed action 5

29. **The General Assembly may wish to clarify further whether full responsibility for all reports rests collectively with the Unit, in which case they should be issued as reports of the Unit, or whether Inspectors should continue signing their respective reports, in which case they should bear individual responsibility for their contents. The first option may require amendment of the statute.**

C. Handling of reports

30. The preliminary review underlined the finding that far-reaching changes were needed in the way that the Unit's reports were handled by participating organizations. Although article 11, paragraph 4 (c), of the statute clearly stipulates that "upon receipt of reports, the executive head or heads concerned shall take immediate action to distribute them, with or without their comments, to the States members of their respective organizations", actual practice has evolved and varies greatly in participating organizations with regard to the distribution of the Unit's reports to the extent that, in some cases, the organization may no longer be considered to be in compliance with the requirements of the statute.

31. In recent years, the Unit has undertaken consultations with a number of organizations and has reached an understanding on how to improve the handling of its reports. Thus, in some cases, the executive head now submits to the governing bodies his or her comments on each recommendation, as appropriate, along with his or her views on action to be taken. To such comments are attached those of CEB as well the full text of the related report. In other instances, only a summary of the Unit's recommendations is submitted to the legislative organ.

32. It must be recognized that most legislative bodies encounter problems in regard to both the volume of documentation to be considered and the scheduling of consideration of Joint Inspection Unit reports within a very limited time frame. Even the General Assembly, whose sessions are much longer than those of most specialized agencies, encounters scheduling difficulties. It is precisely for this reason that the Unit has indicated in its strategic framework its intention to make more use of notes, which may take the form of management letters, thus reducing the workload of the legislative organs.

33. The way in which the Unit's reports are handled also greatly affects their timeliness. Over the years, this timeliness has often been questioned, with some of the recommendations included in reports being overtaken by events by the time they

are actually considered by legislative organs. Several factors account for these delays. The first is the tardiness of some participating organizations in providing information requested by the Unit during the preparation of reports and later in giving comments on the draft report. The second relates to the time allotted by article 11, paragraph 4 (d) and (e), of the statute for the issuance of comments by the executive heads on the final reports submitted for action. Thus, comments on reports addressed to one organization only can be issued up to three months after receipt of the report, while six months are granted for reports necessitating comments coordinated through CEB. As a result, it is not uncommon for reports to reach legislative bodies more than a year after they have been finalized.

34. The Unit is conscious of the fact that participating organizations require adequate time to prepare formal comments on its reports and that on matters of system-wide interest, the views coordinated through the CEB structures are considered to be important. Given the improved processes that the Unit is introducing through its strategic framework, notably the increased use of notes rather than reports, the enhanced consultations with executive heads and secretariat officials regarding issues to be addressed in respect of their organizations and what is hoped will be greater coordination with CEB with respect to topics having system-wide implications, the Unit believes that there is no urgent need to pursue the new procedure described in its annual report for 2001[5] and suggests that the topic be revisited after a reasonable period, say two to four years hence.

35. The Unit, recognizing that considerable progress has been made in this regard in the recent past, would still urge individual executive heads and CEB to pursue their efforts to shorten to the minimum the amount of time taken to submit their comments on the reports of the Unit.

V. Administrative, budgetary and financial arrangements

(Chapter VI of the statute)

36. The issue of the exercise of collective wisdom is closely linked to that of the powers granted to the Chairman. Article 18 of the statute stipulates that the Chairman of the Unit shall play a coordinating role in respect of the Unit's programme of work for the year, shall be the formal channel of communication with the competent bodies and the executive heads of the organizations, shall represent the Unit, as necessary, at meetings of the organizations and shall perform on the Unit's behalf such other functions as it may decide.

37. It may be useful to recall here that the term "coordination" is normally defined as the harmonious or effective working together of different parts. Hence, the Chairman's coordinating role in respect of the Unit's programme of work for the year should carry with it the responsibility and authority to ensure the effective working together of different Inspectors and to resolve possible conflicts between them regarding such issues as scheduling of specific tasks, allocation of resources, travel, representation and the like. However, notwithstanding the request addressed to the Chairman of the Unit by the General Assembly referred to in paragraph 27 above, the fact remains that, according to the statute, the Chairman is first among equals among the Inspectors, and this makes it very difficult for the incumbent to

effectively discharge this responsibility. Thus, he or she cannot be considered to exercise an overall supervisory or control function over the Unit's operations.

38. Executive heads who have been consulted have agreed that a stronger and more permanent role for the Chairman could no doubt facilitate greater coherence and effectiveness in the work of the Unit and that the Chairman needed to be given adequate authority to lead and manage the work of the Unit.

39. As indicated in the Unit's preliminary review, therefore, there is a need to strengthen the authority of the Chairman by an appropriate amendment of paragraph 18 of the statute, thus allowing him or her to genuinely lead and manage the work of the Unit. The possibility could also be considered of having the Chairman elected directly by the General Assembly (as is the case with the Chairman of the International Civil Service Commission), for a period to be determined but that should be not less than three years, and appointed at a level equivalent to that of officials presiding over other oversight or budgetary bodies of similar standing. Another option would be to have the Chairman elected by the Inspectors, as is currently the case, but for a period longer than one year, and receive compensation at a higher level after assuming his or her functions, as is the case for the Chairman of the Advisory Committee on Administrative and Budgetary Questions. Both options would require amendment of the statute.

Proposed action 6

40. **The General Assembly may wish to determine the modalities for the election of the Chairman of the Joint Inspection Unit and the applicable conditions of service, in the light of the considerations described above.**

Notes

[1] In resolution 48/221, for instance, the General Assembly requested the Secretary-General to include in his report proposals regarding the procedures for selecting Inspectors, with a view to improving the selection process, with due regard to the principle of equitable geographical distribution.

[2] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 34* (A/50/34), para. 3.

[3] In annex I to the Unit's annual report for the period 1 July 1996 to 30 June 1997, entitled "Towards a more effective system of follow-up on reports of the Joint Inspection Unit", there is a list of requirements that recommendations of the Unit should meet. In particular, it provides that the recommendations included in its reports must be: (a) directed at correcting clear deficiencies with practical, action-oriented measures to solve significant problems; (b) convincing and well-supported by the facts and analysis in the report; (c) realistic in terms of implied resource commitments and technical capabilities; (d) cost-effective; and (e) specific regarding actions to be taken, and those responsible for taking actions, so that implementation and resulting impact can be clearly tracked" (*Official Records of the General Assembly, Fifty-second Session, Supplement No. 34* (A/52/34), annex I, para. 4).

[4] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 34* (A/51/34), annex I.

[5] Ibid., *Fifty-seventh Session, Supplement No. 34* (A/57/34).